

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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BILL DRAFT 2009-TD-29 [v.7] (03/31)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: 911 Fund Uses - Other proposals. (Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT .

The General Assembly of North Carolina enacts:

Board membership:

SECTION 1. G.S. 62A-4a reads as rewritten:

"§ 62A-41. 911 Board.

(a) Membership. – The 911 Board is established in the Office of Information Technology Services. The 911 Board consists of ~~17~~13 members as follows:

(1) Four members appointed by the Governor as follows:

- a. An individual who represents municipalities appointed upon the recommendation of the North Carolina League of Municipalities.
- b. An individual who represents counties appointed upon the recommendation of the North Carolina Association of County Commissioners.
- c. An individual who represents a VoIP provider.
- d. ~~An individual who represents the North Carolina chapter of the National Emergency Number Association (NENA).~~An individual who represents a CMRS provider operating in North Carolina and the CMRS provider is not owned or operated by a local exchange carrier represented on the Board.

(2) ~~Six~~Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives as follows:

- a. An individual who is a ~~sheriff~~sheriff or a chief of police and supervises a primary PSAP.
- b. ~~Two individuals~~An individual who ~~represent~~represents a CMRS providersprovider operating in North Carolina and the CMRS provider is not owned or operated by a local exchange carrier represented on the Board.~~Carolina.~~
- c. ~~An individual who represents the North Carolina chapter of the Association of Public Safety Communications Officials (APCO).~~An individual who is a full-time fire chief and supervises a primary PSAP.

- 1 d. ~~Two individuals~~An individual who ~~represent~~represents a local
2 exchange ~~carriers~~carrier operating in ~~North Carolina~~, one of whom
3 ~~represents a local exchange carrier~~North Carolina with less than
4 ~~50,000~~100,000 access lines.
- 5 (3) ~~Six~~Four members appointed by the General Assembly upon the
6 recommendation of the President Pro Tempore of the Senate as follows:
- 7 a. An individual who is a ~~chief of police~~a full-time Emergency
8 Manager or Emergency Services Manager who supervises a primary
9 PSAP.
- 10 b. ~~Two individuals~~An individual who ~~represent~~represents a CMRS
11 ~~providers~~provider operating in North Carolina and the CMRS
12 provider is not owned or operated by a local exchange carrier
13 represented on the Board~~Carolina~~.
- 14 c. An individual who ~~represents the North Carolina chapter of the~~
15 National Emergency Number Association (NENA)~~is a primary~~
16 PSAP director.
- 17 d. ~~Two individuals~~An individual who ~~represent~~represents a local
18 exchange carriers operating in North Carolina, one of whom
19 represents a local exchange carrier with ~~less~~more than ~~200,000~~
20 100,000 access lines.
- 21 (4) The State Chief Information Officer or the State Chief Information Officer's
22 designee, who serves as the chair.
- 23 (b) Term. – A member's term is four years. Members may be appointed to no more than
24 two successive terms. Members remain in office until their successors are appointed and
25 qualified. Vacancies are filled in the same manner as the original appointment. The Governor
26 may remove any member for misfeasance, malfeasance, or nonfeasance in accordance with
27 G.S. 143B-13(d)."

Operating Standards subcommittee:

30 **SECTION 2.** Article 3 of Chapter 105 of the General Statutes is amended by
31 adding a new section to read:

"§ 62A-54. PSAP operating standards subcommittee.

33 (a) Purpose. – A standing subcommittee of the 911 Board must determine the operating
34 standards of PSAPs that receive distributions from the 911 Fund. The subcommittee must
35 determine the following:

36 (1) The operating standards of PSAPs.

37 (2) The time period in which PSAPs must implement newly adopted standards.

38 (3) The consequences for failure to implement standards, including the
39 reduction in distributions from the 911 Fund.

40 (b) Members. – The subcommittee must be appointed by the Chair of the 911 Board.
41 The subcommittee consists of 8 members that serve in a management or supervisory role of a
42 primary PSAP. The Chair must choose a representative of National Emergency Number
43 Association (NENA) and Association of Public Safety Communications Officials (APCO) that
44 supervises a primary PSAP. The subcommittee will consist of the following:

45 (1) Three individuals selected from five individuals recommended by the North
46 Carolina League of Municipalities.

47 (2) Three individuals selected from five individuals recommended by the North
48 Carolina County Commissioners Association.

49 (c) Review and publication. – The standards must be established by the subcommittee
50 by July 1, 2011. The standards must be published and distributed to all PSAPs that receive

distributions from the 911 Fund. The subcommittee must review the standards on an annual basis."

Use of Funds:

SECTION 3.(a) G.S. 62A-46(c) reads as rewritten:

"(c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, telecommunicator furniture, and nonrecurring costs of establishing a 911 system.
- (2) Expenditures for in-State training of 911 personnel regarding the maintenance and operation of the 911 system. Allowable training expenses include the cost of transportation, lodging, instructor fees, trainee-instructors, certifications, improvement programs, quality assurance training, and training associated with call taking, and emergency medical, fire, or law enforcement ~~procedures-procedures~~, and training specific to managing a primary PSAP or supervising primary PSAP staff. Training outside the State is not an eligible expenditure unless the training is unavailable in the State or the PSAP documents that the training costs are less if received out-of-state. Training specific to the receipt of 911 calls is allowed ~~only for intake and related call taking quality assurance and improvement for receipt and dispatch~~. Instructor certification costs and course required prerequisites, including physicals, psychological exams, and drug testing, are not allowable expenditures.

..."

SECTION 3.(b) G.S. 62A-46 is amended by adding a new subsection (c1) to read:

"(c1) Radio Communications Equipment. – After the expenditures under subsection (c) are made, a PSAP that satisfies the operating standards established by the Board may use any remaining distributions for the lease, purchase, or maintenance of radio communications equipment including necessary hardware and software, base station transmitters, microwave links and antennae used to dispatch emergency calls from the PSAP. A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the cost of towers or communication devices used by emergency responders."

SECTION 3.(c) This section is effective July 1, 2011.

SECTION 4. For the Fiscal year beginning July 1, 2010 and ending June 30, 2011, PSAPs that have received distributions from the 911 Fund may use any remaining distributions from the 911 Board remaining the PSAPs Emergency Telephone System Fund to pay for no more than twenty-five percent (25%) of the cost of certain radio communications equipment used to dispatch emergency call information from the PSAP. The expenditures must be made in fiscal years beginning in 2010 or 2011. All expenditures must be reported to the 911 Board and approved by the 911 Board. Radio communications devices used by emergency responders are not an eligible expense. Eligible expenses are:

- 1 (a) Base station transmitters.
- 2 (b) Microwave links.
- 3 (c) Antennae.
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